



MISSOURI DEPARTMENT OF NATURAL RESOURCES

Management of Conditionally Exempt Small Quantities of Hazardous Waste

Fact Sheet

10/1999

Division of Environmental Quality
Hazardous Waste Management Program

Federal and state laws require many businesses to meet requirements for handling hazardous wastes. Businesses that generate very small quantities of hazardous wastes may be exempt from many of these requirements (See 40 CFR 261.5). These businesses are "conditionally exempt small quantity generators," often called "CESQGs." This bulletin provides general information to help these businesses manage their wastes safely and legally. It is general guidance for CESQG's only. For complete information on the proper management of hazardous waste, readers should consult the appropriate federal and state law and rules.

Introduction

State law prohibits sanitary landfills in Missouri from accepting all but the very smallest, or de minimis quantities of hazardous waste. This ban affected CESQGs of hazardous waste in the state by requiring them to find alternatives to sanitary landfill disposal. The prohibition is in section 260.432.5(2) of the Revised Statutes of the State of Missouri (RSMo).

The law does not ban household hazardous waste from sanitary landfill disposal. Household waste, which includes household hazardous waste, is exempt from the hazardous waste regulations [See 40 CFR 261.4(b)(1)].

If your business is a conditionally exempt small quantity generator (CESQG) of hazardous waste, this bulletin will help you make decisions about how to manage that waste.

The Missouri Hazardous Waste Management Law requires that each individual generator, including CESQGs, determine if his or her waste is hazardous. EPA considers a waste hazardous if it has certain characteristics (ignitability, corrosivity, reactivity, or toxicity) or if it is on a list of specific wastes determined by EPA to be hazardous. Contact the Missouri Department of Natural Resources' Technical Assistance Program for a copy of this list. You may refer to 40 CFR Part 261, subparts C and D for definitions and listings of hazardous waste. Some additional wastes may be classified as hazardous under Missouri's Hazardous Waste Management Law and other rules.

If you are unsure if your business generates hazardous waste, please refer to the technical bulletin "Does Your Business Generate Hazardous Waste?" You can request a copy of that technical bulletin by contacting the Missouri Department of Natural Resources, Technical Assistance Program at 1-800-361-4827.



A Note About Regulatory Citations

Throughout this document you will see citations such as “40 CFR Part 262.” This refers to the specific section of the law or regulations dealing with the topic being discussed. The federal hazardous waste regulations are in the Code of Federal Regulations, Title 40, Part 260 through Part 280 (40 CFR Parts 260-280). The Missouri Hazardous Waste Law is in the Revised Statutes of Missouri (RSMo), Sections 260.350-260.575. Hazardous waste rules are in the Code of State Regulations, Title 10, Division 25 (10 CSR 25).

What is a CESQG of Hazardous Waste?

Many commercial establishments, industries, political subdivisions, and institutions generate hazardous waste. The requirements for a hazardous waste generator depend on the amount and type of hazardous waste generated in a month or accumulated at any one time. CIESQGs are exempt from many regulations, but certain requirements do apply. The federal requirements are in 40 CFR Part 261.5. You also must comply with state rules found in 10 CSR 25-4.261(2)(A)1.

If your business generates hazardous waste, you are a CIESQG if you:

- never generate in a calendar month more than 100 kilograms (220 pounds) of nonacute hazardous waste;
- never accumulate at any one time 100 kilograms (220 pounds) or more of nonacute hazardous waste;
- never generate in a calendar month more than one kilogram (2.2 pounds) of acutely hazardous waste;
- never accumulate at any one time one kilogram (2.2 pounds) or more of acute hazardous waste;
- never generate in a calendar month more than 100 kilograms (220 pounds) of any material resulting from the cleanup of a spill or an acute hazardous waste;
- never generate, and never accumulate at any one time, one gram or more of dioxin (2,3,7,8-tetrachlorodibenzo-p-dioxin); and
- never accumulate acute and nonacute hazardous waste in quantities that, when added together, equal 100 kilograms (220 pounds) or more.

If your business generates over these amounts, you are no longer classified as conditionally exempt. Generators that produce more than the conditionally exempt quantities of hazardous waste cited above must register with the Missouri Department of Natural Resources as a generator and comply with applicable hazardous waste regulations.

What Waste Management Options Does A CESQG Generator Have?

You must manage all wastes in a way that does not threaten human health or the environment, or create a public nuisance. Preventing pollution through source reduction and recycling is a better management option than treatment or destruction technologies and land disposal. The management options described here are listed in order with the most desirable option first and the least desirable option last.

Pollution Prevention. Pollution prevention is the use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source. It includes practices that reduce the use of hazardous or nonhazardous materials, energy, water or other resources. It also includes activities that protect natural resources through conservation or more efficient use.

Many pollution prevention practices are simple and inexpensive. Often they may result in substantial dollar savings. Contact the Missouri Department of Natural Resources' Technical Assis-

tance Program for information on cost-effective ways to reduce the volume and toxicity of waste.

Waste exchanges. Waste exchanges put generators with usable wastes in touch with companies who may be able to use the waste as a raw material for their manufacturing or production process. Missouri participates in the Industrial Material Exchange Service. For more information, contact the Environmental Improvement and Energy Resources Authority (EIERA) at (573) 751-4919.

The Missouri Product Finder, a service of the Department of Economic Development, is another way to find someone to use your waste. This computerized information system can help you locate suppliers of materials or products, and find markets for surplus materials and by-products. For more information, call 1-800-523-1434.

Business and Trade Association Cooperatives. CESQGs may be able to reduce their transportation and disposal costs by making cooperative arrangements with other businesses in their area or seeking the assistance of a trade association to which they belong. Possibilities include the following:

- work with other CESQGs in the area and arrange with a licensed hazardous waste transporter for a “milk run” to pick up the hazardous wastes of all in the group on a schedule. Higher volumes and less-frequent pick-ups normally mean lower costs for transportation and disposal.
- if you belong to a business or trade association, ask if they could help arrange for lowcost/high-volume waste pick up and disposal based on an entire group being represented in the bid process.
- talk to various hazardous waste transporters or treatment/storage/disposal facilities about the most economical way to manage your waste based on its type and frequency of generation. If you are representing a group of potential customers who are CESQGs, they may be encouraged to have transporter or transfer facility “milk runs” or “at facility drop-off days.”

Recycling. Recycling helps to preserve raw materials and reduce the amount of waste material disposed. Many recycling companies will accept certain waste streams, such as solvents or used oils, to recycle at their plants. To make it easier to recycle hazardous waste, keep different kinds of hazardous wastes in separate containers. Segregate non-hazardous waste from hazardous waste. Contact the department’s Technical Assistance Program for the names of certified resource recovery facilities that recycle hazardous wastes from offsite.

You may prefer to purchase your own recycling equipment to use on-site. A common example is the distillation of contaminated solvents. This equipment may pay for itself in time by:

- reducing the amount of new product you must purchase, and
- lowering disposal costs by reducing the amount of waste requiring disposal.
- If you recycle on-site, you may have some residual waste that will require hazardous waste disposal.

If you are a CESQG, you are not required to get a permit or certification to recycle wastes onsite, but you must notify the department’s Hazardous Waste Program in writing of your resource recovery (recycling) activities. You must identify the owner/operator and list the name and location of the facility, the waste(s) being recovered, the method(s) of recovery, and the approximate annual quantity of the waste recovered. Contact the Technical Assistance Program or the Hazardous Waste Program if you have questions about resource recovery.

Universal Waste Rule. This rule became effective in Missouri as of January 31, 1999. If you choose to do so, you may manage your hazardous waste batteries, pesticides, mercury contain-

ing thermostats, mercury switches, mercury containing thermometers and manometers and mercury-containing (fluorescent) lamps under this rule. The requirements of this rule are generally less stringent than the existing hazardous waste regulations. For more information, you may refer to the fact sheet titled "The Universal Waste Rule in Missouri," which is available from the Technical Assistance Program or is available on-line at (<http://www.dnr.state.mo.us/deq/tap/pub2058.pdf>).

On Site Treatment in Tanks or Containers. If you are a CESQG, you may treat or dispose of your hazardous waste in an onsite facility. You must not burn the waste or dispose of it into the environment. You must not allow waste to be released on the ground, use wastes (such as solvents) to kill weeds or bury it in the ground at an unpermitted site. You may treat the waste in a tank, or container or in a hazardous wastewater treatment unit. Some wastes can be easily treated. For example, a corrosive acid might easily be neutralized using appropriate materials to make it no longer hazardous. Others are difficult or impossible to treat onsite. If in doubt, do not try to treat or dispose of hazardous waste onsite.

Publicly Owned Wastewater Treatment Systems. If your business is located in an area serviced by a publicly owned wastewater treatment (POWT) it may be legal to discharge certain hazardous wastes into the sanitary sewer system. Do not discharge any waste into the sanitary sewer system without the city's permission. Contact local wastewater officials to discuss the type of waste stream, pretreatment requirements and local ordinances that may apply. Many wastes cannot be discharged into a sanitary sewer system. For example, solvents, sludges and pesticides may not be suitable for discharge to the sewer. Do not discharge any hazardous waste into a storm water drain or on-site domestic sewage treatment system.

Hazardous Waste Treatment, Storage, or Disposal Facilities. As stated earlier, your first option for managing hazardous waste should be to avoid generating it. If you cannot eliminate the hazardous waste, you should try to reuse it, provide it to another company or use as a raw material or recycle it. If this is not possible, your next best options are to treat it onsite or discharge it to a publicly owned wastewater treatment system. If none of these options are possible, it will be necessary to send it to a company that can treat, store, or dispose of hazardous waste.

A company must have a valid permit or an approval known as interim status from EPA to do business as a hazardous waste treatment, storage or disposal facility. If it is in Missouri, the company also must have a valid permit or interim status from the Missouri Department of Natural Resources.

Contact the Technical Assistance Program for a list of commercial hazardous waste facilities in Missouri. If shipping waste out of state, contact the hazardous waste regulatory agency in the destination state to obtain a list of current disposal facilities.

Before you ship the waste, contact the facility you have chosen to verify its current operating status and to determine if it can accept the waste. If possible, visit the treatment or disposal facility before shipping wastes there. Learn about the treatment or disposal process used by the facility and determine if the facility manages its waste properly. If a site visit is not possible, contact the appropriate state regulatory agency and ask about the firm's compliance history and current regulatory status.

Does a CESQG Need to Register as a Hazardous Waste Generator?

If you are a CESQG, there are no regulations that require you to register as a hazardous waste generator. However, some hazardous waste facilities want their customers to have generator

identification numbers. If you need a generator identification number, contact the Hazardous Waste Program to obtain a generator registration form, or access it on-line at (<http://www.dnr.state.mo.us/deq/tap/pub2065.pdf>). Registering as a generator does not cause you to have to comply with any additional regulations - it simply allows you to obtain a generator number.

How Should a CESQG Transport Hazardous Waste?

You may transport your own hazardous waste within Missouri if you are a CESQG. CESQGs transporting their own waste are not required to use a manifest or a licensed hazardous waste transporter provided regulated quantities are not exceeded. You will need to follow U. S. Department of Transportation requirements (if applicable) for the wastes being shipped.

If you choose not to transport your own waste, you can get a list of Missouri licensed hazardous waste transporters from the Hazardous Waste Program or access it on-line at (<http://www.dnr.state.mo.us/deq/hwp/download.htm>). Hazardous waste transporters may transport a CESQG's waste only to a facility that is permitted or certified to accept the waste. The transporter must keep records on the type, the quantity, the source and the disposition of each waste accepted from a CESQG. Hazardous waste transporters also can be a valuable source of information on facilities currently accepting hazardous waste.

How May a CESQG Obtain Copies of Hazardous Waste Laws and Regulations?

Copies of the Revised Statutes of Missouri are available through the Revisor of Statutes at (573) 526-1288, or are available on line at (<http://www.moga.state.mo.us>). Copies of the Missouri Code of State Regulations are available through the Missouri Secretary of State at (573) 751-4015, or are available on-line at (<http://www.mosl.sos.state.mo.us>). Federal regulations may be viewed at federal depository libraries, may be purchased from an U.S. Government Bookstore, the U.S. Government Printing Office, or from a commercial information service such as the Bureau of National Affairs. Federal Regulations are also available on line at (<http://www.access.gpo.gov/nara/cfr/index.html>).

For more information, contact

Missouri Department of Natural Resources
Division of Environmental Quality
P.O. Box 176
Jefferson City, MO 65102
<http://www.dnr.state.mo.us>

Technical Assistance Program
(800) 361-4827 or (573) 526-6627
Fax: (573) 526-5808

Hazardous Waste Program
(800) 361-4827 or (573) 751-3176
Fax: (573) 526-5268